



Security Council

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6 November 2004

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Letter dated 6 November 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1528 (2004) of 27 February 2004, by which the Council established the United Nations Operation in Côte d'Ivoire (UNOCI) under Chapter VII of the Charter of the United Nations.

You will recall that in operative paragraph 6 (a) of the above resolution, UNOCI was mandated, inter alia, to observe and monitor the implementation of the Comprehensive Ceasefire Agreement of 3 May 2003 (the Agreement), concluded by the Ivoirian parties, and to investigate violations of the ceasefire. In this connection, I would like also to recall that, in accordance with the Agreement, the Ivoirian parties established a Zone of Confidence (ZOC) where the UNOCI and the French (Licorne) forces were deployed. In accordance with the Agreement, the ZOC is defined as an area to which access is prohibited to the armed forces of the Ivoirian parties.

In this context, I should be grateful if the Security Council could confirm that UNOCI is authorized to use all necessary means, within its capabilities and areas of deployment, to prevent any hostile action within the Zone of Confidence.

(Signed) Kofi A. Annan



**Security Council**

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Letter dated 8 November 2004 from the Permanent Representative of Australia to the United Nations addressed to the President of the Security Council

In advance of the Security Council's landmark meeting in Nairobi on 18 and 19 November on the situation in the Sudan, I am writing at the formal request of my Government to convey Australia's grave concern — shared I know by many — at the deteriorating situation in Darfur, particularly the worsening security, human rights and humanitarian situation and the increasing numbers of internally displaced persons (including recent reports of forced relocations).

You will recall that I wrote, jointly with my Canadian and New Zealand colleagues, to the Security Council President on 10 September (S/2004/739) expressing deep concern at the ongoing suffering of Darfur's population and urging the Council not to foreclose any avenue in its efforts to ensure the protection of civilians. I also urged the Council to put its full support behind the efforts of the African Union (AU), including the deployment of a significantly expanded AU mission, and Australia welcomes the efforts of the Council to this end. You will be aware that Australia has also been working closely with the AU to implement our offer of airlift support for the deployment of AU troops to Darfur, in addition to our commitment during 2004 of \$20 million in humanitarian assistance and we stand ready to consider further requests for assistance.

In light of the dire warnings conveyed in the presentation to the Security Council by the Secretary-General's Special Representative, Jan Pronk, on 4 November, I wish to register Australia's strong wish that the Security Council, on the international community's behalf, continue to take an active role in resolving the serious conflicts facing the Sudan. Australia also supports Mr. Pronk's suggestion that the Security Council use the Nairobi meeting to maintain strong pressure on all parties in the Sudan to meet their obligations to protect civilians and work constructively to reach a peaceful settlement of the conflicts facing their country.

I should be grateful if you would circulate the present letter as a document of the Security Council.

(Signed) John Dauth



**Security Council**

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**Progress report of the Secretary-General on the
United Nations Mission of Support in East Timor**

(for the period from 14 August to 9 November 2004)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1543 (2004) of 14 May 2004, in which the Council decided to extend the mandate of the United Nations Mission of Support in East Timor (UNMISET) for a period of six months, with a view to subsequently extending the mandate for a further and final period of six months, until 20 May 2005. In paragraph 6 of that resolution, the Council requested me to keep it closely and regularly informed of developments on the ground and of the implementation of the resolution, in particular with regard to progress towards achievement of key tasks of the Mission's mandate, by submitting a report within three months of the date of the adoption of the resolution, and every three months thereafter. In paragraph 7 the Council requested that recommendations on the tasks and configuration of the police and military components be included for review by the Security Council in November 2004. The present report reviews the activities of UNMISET since my report of 13 August 2004 (S/2004/669) and includes recommendations based on the findings of an integrated technical assessment mission that visited Timor-Leste in October 2004.

II. Recent political developments in Timor-Leste

2. During the reporting period, Timor-Leste remained peaceful and stable after the demonstration dispersed by the police with the use of tear gas on 20 July. The Government has made considerable efforts to address pressing issues confronting the country, including the veterans issue and violence between martial arts groups. Following successful voter registration, preparations for local elections are under way. The National Parliament has made determined efforts to select the *Provedor* for Human Rights and Justice, but so far without success. Timor-Leste's relations with neighbouring countries continue to grow, but this has not yet resulted in any concrete agreements on border delineation and other pending issues.

3. The 2004/2005 legislative session of the National Parliament, which convened on 21 September after its summer recess, has been presented with a number of important bills for its consideration, including bills on assembly and



demonstrations, an organic law for the Prosecutor General, amendments to the Law on Judicial Magistrates, and an extension of the Commission for Reception, Truth and Reconciliation, as well as the report of the Commission for Former Combatants Affairs and the Commission for Veterans Affairs. With regard to the bill on assembly and demonstrations, concerns have been raised by some human rights groups about the provisions relating to restrictions on the organization and conduct of demonstrations. This shows once again the desirability of broadening dialogue and debate between the Government and civil society on many of the important issues before the Parliament.

4. On 16 and 17 August, the Parliament held an extraordinary session during its recess to choose the Provedor for Human Rights and Justice. However, after two rounds of voting, none of the three nominees garnered sufficient votes. Parliament subsequently reopened nominations for the post on 5 October and on 25 October made a second attempt to select the Provedor from two candidates. Once again, neither of the two candidates obtained the absolute majority of votes required for appointment. Given the importance of the post, Parliament should work towards an early appointment of the Provedor.

5. Voter registration for local elections was completed on 31 July, and some 400,000 people registered to vote. The process had generally gone well, but some members of an opposition political group were arrested in a number of districts in connection with allegations of preventing people from registering or destroying voter registration cards. The incidents suggest that close monitoring at the time of balloting will probably be necessary in those places.

6. The National Electoral Commission and the Technical Secretariat for Electoral Administration continued to make preparations for local Suco Chief and Suco Council elections. The Government is planning to conduct the local elections in a phased manner throughout the country before the start of the next fiscal year in July 2005. On 22 October, the National Electoral Commission approved the procedures for the nomination of candidates but it has yet to announce an electoral calendar and to approve a number of other procedures, among them procedures for polling and the counting of votes. Civic education on the elections is currently being carried out. President Gusmão is travelling to the districts, together with representatives of the Government, to talk to the local people as part of his Open Presidency Programme. So far, the President has visited four districts. The Prime Minister, Mari Alkatiri, also devotes considerable time to civic education during his visits to different parts of the country.

7. Realizing the urgent need for solutions of the veterans issue following the demonstrations in Dili on 19 and 20 July by a group composed mainly of veterans, the Timorese leadership has made a series of efforts to address the grievances of former resistance members and other disgruntled groups. As reported to the Security Council earlier, a National Dialogue between veterans and State institutions was held on 21 August and a final declaration was issued outlining the commitments of the two sides. Neither side was satisfied with the outcome of the Dialogue, however. In an effort to move towards a resolution of the veterans issue, President Gusmão arranged for a prominent veteran leader to hold a follow-up meeting with the Prime Minister to discuss the concerns of the veterans. While both have expressed their willingness to talk, the meeting has yet to be held. Meanwhile, the Prime Minister held a meeting with the diplomatic corps in Dili on 26 October, soliciting their

support for a programme that would recognize and honour the contributions made by the veterans and ex-combatants, help their reintegration into civilian life and provide financial assistance to the neediest among them and their families. International assistance will constitute a critical element for the successful resolution of this issue.

8. At the same time, the Parliamentary Ad Hoc Committee on Veterans Affairs is considering the final report of the Commission for Former Combatants Affairs and the Commission for Veterans Affairs. As the Committee did not make significant progress before 14 September, the deadline for its final report, it has been granted an extension of its mandate and a possible broadening of its responsibilities, including the drafting of legislation on the recognition of veterans.

9. While work on the report of the Commission for Former Combatants Affairs and the Commission for Veterans Affairs, which relates to armed members of the resistance, is going on, President Gusmão has constituted the Commission for Resistance Cadres Affairs to identify civilian members of the resistance. Given the complexity of the issue, including the fact that more people claim to have been part of the civilian resistance than the armed resistance, and that those structures are less clear, that Commission is likely to face an enormous challenge in implementing its mandate.

10. Efforts have also been made by the Government to curb the recent upsurge in violent incidents between martial arts groups. Early in October, the Minister for Foreign Affairs, José Ramos-Horta, travelled to one of the scenes of the recent violence to seek a possible solution. On 27 October, Timorese national police, assisted by the Office of the President, organized a workshop attended by martial arts groups and State institutions concerned to discuss possible initiatives to solve the problem.

11. On 18 August, President Gusmão provided members of the diplomatic corps and UNMISET with a copy of the final report of the Independent Commission of Inquiry into the incident of 24 January at Los Palos, where members of the armed forces (F-FDTL) were involved in a confrontation with police. The report presents a general overview of the present poor conditions of F-FDTL, proposing some solutions to the problems confronting them, but does not address the issue of individual accountability for misconduct in the incident. Strict action regarding those members of F-FDTL who are found responsible for this serious assault on civil authority would be an important first step towards resolving the many problems of the armed forces.

12. In September, with the support of UNMISET and several United Nations programmes, the Government formally launched a reporting process on its implementation of seven core human rights treaties to which Timor-Leste has acceded. The incorporation of the human rights treaties into the domestic law of Timor-Leste in May 2002 represents an important step towards the implementation of international human rights standards. Full implementation of the standards requires however that all universally recognized human rights, including freedom of speech, press and assembly, are duly respected and protected.

13. Relations between Timor-Leste and Indonesia have been strengthened by the visit of Prime Minister Alkatiri to Jakarta from 19 to 22 October, on the occasion of the swearing-in of the new President of Indonesia, Susilo Bambang Yudhoyono. The

participation of Foreign Minister Horta in Indonesian independence celebrations at Kupang, western Timor, in August is another sign of improving relations between the two countries. However, border demarcation talks did not result in a final agreement in October as had been expected, although the two sides met twice, once in September and once in October. It is most important that good relations find concrete expression in the solution of pending bilateral issues. The two countries need to speedily finalize agreement on their land border to promote stability and peace in the region. UNMISET stands ready to continue supporting both countries in their joint endeavours in this regard.

14. The second round of maritime boundary negotiations with Australia was held in Canberra and Darwin in the last two weeks of September and again in Dili at the end of October. It is hoped that a mutually beneficial arrangement that permits the successful exploitation of petroleum and natural gas resources in the area will be concluded as early as possible.

15. On 19 September, an Indonesian naval ship entered Timor-Leste territorial waters when pursuing a private tour boat. Shortly afterwards, it returned to Indonesian waters. On 2 November, Indonesian military personnel crossed the Tactical Coordination Line in the Cruz area in Oecussi. It is hoped that no such incidents will recur in the future, so as not to affect the friendly relationship which the leaders of the two countries have nurtured so effectively.

III. Contribution of the United Nations

A. Role of the Mission

16. Following discussions on my previous report (S/2004/669) in the Security Council on 24 August 2004, my Special Representative constituted eight working groups to address some of the concerns highlighted by Member States. The groups bring together all parties, including the Government of Timor-Leste, UNMISET, United Nations agencies and Bretton Woods institutions, non-governmental organizations and other bilateral and multilateral partners. The groups are intended to assist in the timely identification of activities required for a smooth transition from the peacekeeping and peace-building operation to more traditional institution-building and sustainable developmental assistance.

17. A coordinated and systematic campaign of public information within the country will be critical as the Mission draws to a close to reassure the local population of the continuation of international assistance from the wider United Nations system and other bilateral and multilateral development partners. This process is already under way, by means of a new programme broadcast weekly on national radio in Tetum, the local language.

18. In accordance with Security Council resolution 1543 (2004), an integrated technical assessment mission from United Nations Headquarters visited Timor-Leste early in October to review the situation on the ground. During its visit, the mission had extensive discussions with Timorese leaders, non-governmental organizations and members of civil society, political parties, representatives of the diplomatic community, United Nations programmes and agencies, the Bretton Woods institutions and UNMISET. The mission also travelled to the border districts.

19. The mission found that, since the inception of the UNMISET consolidation phase in May 2004, Timor-Leste has made further progress in developing key State institutions and security agencies, and has adopted a number of important pieces of legislation. Nevertheless, major challenges remain and continuing international assistance is essential. There is a consensus view that UNMISET should maintain its current tasks, composition and size, including those of the military and police components, until May 2005. Further details of the findings of the assessment mission are provided below.

Programme I

Support for the public administration and justice system of Timor-Leste and for justice in the area of serious crimes

1. Support to the public administration and justice system

20. While further progress has been made during the reporting period, the development of the Timorese public administration continues to require substantial international assistance in the short and medium term. Recruitment of Timorese counterparts to key posts has improved noticeably. Some State institutions have made significant progress towards becoming less reliant on international experts, such as the Banking and Payment Authority, in which all senior management posts are now fully staffed by Timorese. Nevertheless, some other key positions remain unfilled, such as those of Permanent Secretaries in a number of ministries, and Timorese nationals still need to be recruited for many middle management posts. Overall, many State institutions continue to depend on international advisers to function effectively. This is most evident in the justice and finance sectors, where specialized training in the fields of law, accountancy and auditing is required to achieve professional knowledge and skills. To date, some international advisers continue to perform line functions because of a lack of skilled and experienced Timorese nationals.

21. While the 58 UNMISET civilian advisers continue to provide training and mentoring to their Timorese counterparts, as part of the overall approach to institutional capacity development, their role has changed from one of individual coaching and mentoring to one geared towards institutional capacity development. With a view to the completion of the Mission's mandate in May 2005, the advisers promote increased ownership by State institutions throughout all capacity development steps through the direct involvement and participation of the Capacity Development Coordination Unit under the Office of the Prime Minister. Capacity development activities focus on three areas in particular: skills and knowledge, systems and processes, and attitudes and behaviour. Concrete action plans are being finalized to guide activities in the coming period. Together with the State institutions, the advisers are formulating exit strategies to ensure sustainability of support after the end of the UNMISET mandate. This will involve identifying partners to provide assistance beyond May 2005.

22. The justice sector remains particularly weak. Together with the United Nations Development Programme (UNDP) and other partners, UNMISET continues to support the institutional capacity development of this sector, where 21 international advisers are working with a view to establishing an independent judiciary in the

country. However, most of the advisers so far either have no counterparts who possess legal training or have no counterparts at all.

23. Four international judges have recently been recruited to work in the district courts, which has contributed to the functioning of those courts and the reduction of the backlog of ordinary criminal cases. While drafts of a criminal code and a criminal procedures code are currently under consideration, an organic law for the Prosecutor General has been drafted with the help of UNMISSET advisers and awaits approval by the Government before being submitted to the National Parliament. Once adopted, these pieces of legislation will contribute to clarifying the roles and competencies of the police and the prosecution service.

24. National judges are undergoing mandatory training at the Judicial Training Centre, which is conducted by UNMISSET advisers since there are insufficient Timorese jurists available to carry out professional, post-graduate training for the positions in question. The first class, consisting of 61 judges, prosecutors and public defenders, has commenced a 36-month training programme. Confirmation of appointments in those capacities will be subject to successful completion of the training programme. To address the acute shortage of interpreters and translators in the justice sector, a training programme for national interpreters and translators was launched in October.

25. During the planning for the UNMISSET consolidation phase, the 58 civilian adviser positions were carefully identified by UNMISSET together with the Government, UNDP and other partners. The objective was to meet the most critical needs of Timor-Leste for external assistance. Their work was to be complemented by a UNDP-managed assistance programme of 102 civilian advisers. Owing to a lack of funding, only 50 civilian advisers have been recruited so far under the UNDP programme. Developments over the past six months have proved that the work of the civilian advisers is essential in supporting the country's efforts to establish fundamental legal and institutional frameworks and in ensuring the continued functioning and stability of vital institutions while the Timorese develop their own capacity.

26. This report and my last report have recorded the achievements that Timor-Leste has made since May 2004. However, it is also clear that the public administration and justice system are still weak and fragile and that continuing international assistance remains indispensable at the present stage. It is generally agreed that the retention of the 58 civilian adviser positions within UNMISSET for the next six months will be most important, and I concur with that view. It would be premature to reduce their number now, as that would undoubtedly affect vital functions of the government institutions. Over the next six months, the advisers will continue to train their Timorese counterparts, assist in the development of legal frameworks, and help to ensure the effective and stable functioning of public institutions. At the same time, a coherent and effective exit strategy must be developed so that, when the advisers depart next May, their functions will be taken over by Timorese or by other bilateral or multilateral partners.

2. Support for justice in the area of serious crimes

27. Since my last report to the Council, the serious crimes process has continued its focus upon achieving the requirements of paragraph 8 of resolution 1543 (2004). The Serious Crimes Unit is in the process of concluding investigations that have

concentrated on those who organized the violence and the most egregious direct perpetrators. It is expected that several indictments involving approximately 25 accused persons will be approved and filed by the end of November. Those indictments are unlikely to result in additional trials since the whereabouts of the accused are unknown, with the exception of one individual currently in custody for the murders of two United Nations national staff on the day of the popular consultation.

28. It is expected that five trials involving 19 accused persons will be completed and that seven trials involving 12 accused persons will remain pending at the end of the year. Cognizant of the requirement to conclude all trials by May 2005, the Serious Crimes Unit has refrained from filing other cases that would be likely to result in additional trials. In order to complete this significant number of cases before 20 May 2005, the Special Panels have expanded the hours during which trials are heard in the one available courtroom and are attempting to make arrangements for the use of a second courtroom on at least a part-time basis. Because of the ongoing mandatory training for national judicial staff, trials have been rescheduled to accommodate the reduced availability of national judges to sit on the Panels.

29. During the reporting period, the Serious Crimes Unit filed 60 additional arrest warrant applications with the Special Panels. The Special Panels issued 39 arrest warrants during the period, leaving 88 arrest warrant applications now pending. To date, the Panels have issued 153 arrest warrants on serious crimes cases while rejecting three applications.

30. The Unit plans to return all identified bodies to the victims' families and to bury unidentified remains; all available information about the bodies will be handed over to the national authorities.

31. The Unit is also preparing to make its work to date accessible to national or other appropriate authorities when the Mission ends in May 2005. For that purpose, the vast quantities of evidentiary and legal materials are being carefully organized while the confidentiality of sensitive witness information is being protected.

32. As noted in my previous reports, it may not be possible for the serious crimes process to fully respond to the desire for justice of those affected by the violence in 1999 within the limited time and resources that remain available. Various proposals and efforts continue to be made to address this question. They are being examined in depth with a view to identifying the most effective arrangement for resolving this issue.

33. The Commission for Reception, Truth and Reconciliation is focusing on the preparation of its final report. UNMISSET continues to provide critical support to the work of the Commission, including technical advice in the area of justice and security, participation in small focal groups, and assistance with the drafting of the legal background chapter for the final report.

Programme II

Support to the development of law enforcement in Timor-Leste

34. The operational effectiveness, as well as the training and development of the national police of Timor-Leste (PNTL), had been adversely affected, among other things by the lack of a suitable legal framework. Following the promulgation of the Police Organic Law and the Disciplinary Code in May and June 2004, respectively, both the regular police and the special units have shown some improvement in many of their professional areas. UNMISSET civilian police advisers have played a critical role in the development of PNTL capacity.

35. At this stage, UNMISSET civilian police advisers continue to play a key role in providing in-service training and mentoring to the national police, facilitated by their deployment alongside PNTL officers, in close coordination with other bilateral and multilateral police training programmes. In addition, specialist training on subjects such as crime scene investigation and evidence handling, autopsy procedure, defensive tactics and crowd control, and domestic violence awareness is provided to national and special units.

36. As previously reported, UNMISSET has developed a PNTL skills development plan based on the results of a survey of national police officers. The implementation of the plan to address the critical gaps in police capacity commenced on 20 September; it is conducted by the UNMISSET police advisers at the district and sub-district levels through training of trainers to ensure long-term sustainability. If the objectives proposed in the approved skills development plan are to be fully achieved by May 2005, the number of police advisers needs to remain at the authorized level of up to 157 and the current structure of the UNMISSET police component should remain unchanged.

37. The second phase of training by UNMISSET advisers for the Police Reserve Unit that started in June was successfully completed late in August. Following the Government's decision to assign the Unit a new role focused on combating organized crime and terrorism, an additional three-month period of in-service training was considered necessary and is currently under way to further improve the Unit's capabilities. Since the incident on 20 July, in which police officers reacted with excessive force to disperse a largely peaceful demonstration, the Rapid Intervention Unit has also been undergoing additional training, as the Prime Minister requested of my Special Representative. The training covers all aspects of the Unit's professional role, but is focused on the areas of leadership, command and control, and the handling of demonstrations and riots, which should improve its performance in a similar situation in the future.

38. The Border Police Unit is almost at its anticipated strength of 300, including 296 trained personnel having responsibility for all junction points in the three border districts. The UNMISSET police component has developed a specific in-service training module for all border patrol officers, to be delivered in the coming months, focusing on the handling of firearms and the use of force.

39. The Marine Unit of the national police has a limited response capability, being equipped with just two dinghies. The vessels are unsuitable for open waters and are both based in Dili. This leaves the rest of the coastline exposed to smuggling and other illegal activities and the economic zone largely unprotected against illegal fishing.

40. The efforts of UNMISSET have been complemented by other bilateral and multilateral police development assistance programmes. The first of a series of "train the trainers" courses conducted by Australian trainers began on 11 October as part of the Australia/United Kingdom assistance programme. A total of 50 national police officers will be trained over a two-month period. China, Malaysia and Thailand are cooperating on the training and development of the senior and middle management of the police force, offering various specialized courses. Malaysia has also provided assistance in the training of trainers at the Police College and to the newly formed Police Reserve Unit and the Rapid Intervention Unit. The United States of America recently decided to provide additional assistance to the national police through training in specialized areas such as counter-insurgency and forensics.

41. Assisted by the training and mentoring efforts reported above, the development of the national police force continued to make progress during the reporting period. PNTL officers are gradually improving their skills and gaining experience in many areas of policing. They are increasingly capable of carrying out regular daily policing operations. With the promulgation of the Organic Law that defines the role of PNTL, a process of revising standard operating procedures and guidelines in compliance with the law has begun, which will contribute to the further development of the police force.

42. Nonetheless, a number of key problems remain, such as the lack of professional knowledge and expertise, administrative management capability, lack of equipment, infrastructure and logistic support, coordination mechanisms and necessary legislation in addition to the Organic Law. In particular, the police force continues to be confronted by a lack of respect for discipline and human rights. Incidents of human rights violations and other abuses of authority by the police continue to be reported frequently. The situation is compounded by the fact that neither the Inspectorate nor the Professional Ethics Office is sufficiently resourced, and they are therefore not able to undertake investigations into all reported incidents of violations. It will take time to resolve these problems and continuing international assistance will be crucial.

43. Recently, a large number of long-barrelled weapons was purchased for the national police, bringing the total number of such weapons available for the police to 453. My Special Representative and the Prime Minister have agreed that the police should not carry such weapons in public places and that clear limitations on the use of such weapons should be formulated.

44. In the coming six months, UNMISSET civilian police advisers will focus their efforts on contributing to the transformation of PNTL into a non-political, impartial and professional police service by providing training and mentoring with the aim to improve the professional and technical capacity of the national police to the requisite levels in accordance with international standards. They will remain co-located with their Timorese counterparts in national police headquarters, in all districts and in specialized police units to facilitate their interaction. This assistance would need to be complemented by other bilateral and multilateral assistance programmes. Necessary measures to be taken by the Government include the early adoption of related legislation such as a penal code and a criminal procedures code and various acts on immigration, transnational crime, firearms and explosives. Continuous emphasis on the need for discipline and self-control of police officers

will be critical, as will the establishment of an external oversight body at the national and district levels to address public complaints against PNTL. Strict disciplinary action against police officers who have been found responsible for human rights violations and abuse of authority, including those during the demonstrations of 20 July, will also be critical for success.

Programme III

Support for the security and stability of Timor-Leste

45. The overall security situation in Timor-Leste remained calm and peaceful during the reporting period. However, criminal activities of smuggling and illegal trading in the border areas continue. Tensions resulting from demonstrations, mainly by veterans groups, and violent incidents between martial arts groups remain a potential security threat to the country. Although Timor-Leste has not become a target, the recent terrorist bombing in Jakarta serves as yet another reminder that terrorist attacks are a real threat within the region and that preventive measures need to be taken.

46. The capacity of the Timorese defence force (F-FDTL) continues to grow, but it remains hampered by a lack of experienced personnel, appropriate training regimes, and equipment, and by limited logistic capacity. As reported in my previous report, work on the defence plan known as "Defence 2020" continues with the assistance of a bilaterally supported adviser. The defence force has conducted a new drive to recruit soldiers. Once this process is completed, the training for the 260 new recruits will start in mid-November. It is planned that F-FDTL will, for the first time in its history, use its own staff to conduct the training, with bilateral partners only providing guidance and assistance when required.

47. The UNMISSET military component continues to support the efforts of the Timorese security agencies in maintaining the security and stability of the country. While maintaining situation awareness and providing a calming presence through frequent patrols in the border areas, the military component continues to assist the development of the defence force through its skills and knowledge transfer programme to pass on technical and practical skills as well as operational experience. Five training modules, covering the areas of military policing, engineering, operational staff work, military information collection and logistic staff work, were initiated in August and September. The programme is scheduled to continue until the end of the Mission's mandate in May 2005 and will include further specialized training as well as repeated basic military skills training as required.

48. At the same time, the military component has made considerable efforts to foster close collaboration between the Timorese and Indonesian security agencies. As part of the Mission's exit strategy, the military component has established arrangements for regular meetings between the Timorese and Indonesian sides that would continue after May 2005. Following the participation of the General Commander of F-FDTL in an earlier inter-command meeting of the Force Commander of UNMISSET and the Regional Commander of the Indonesian army, for the first time the General Commander of PNTL and the Commander of the Border Patrol Unit participated in such a meeting in mid-October.

49. UNMISET military liaison officers continue to play a pivotal role in monitoring security-related developments along the border and in facilitating contacts between the Timorese and Indonesian border security agencies. As a result of their efforts, regular weekly meetings are held at various border junction points, where members of border security agencies of the two countries discuss and resolve border issues and disputes. Those meetings have helped to promote mutual understanding and trust between the Timorese and Indonesian border security agencies.

50. The UNMISET security force remains ready to provide security protection and evacuation support to the military liaison officers and other United Nations personnel, while the International Response Unit is prepared to undertake response operations in exceptional circumstances. Following the incident on 20 July and the recent bombing in Jakarta, additional personnel of the Unit were called in to reinforce the platoon deployed in Dili to protect United Nations personnel and installations.

51. Progress in the area of border security during the past six months has been slower than expected and therefore many of the factors that warrant the presence of the UNMISET military component have not changed. Despite the efforts made, Timor-Leste and Indonesia have not reached final agreement on the demarcation of their land border. The Timorese border security agencies have not yet gained sufficient capacity to manage the border affairs alone, neither have they reached the point where they can interact with the Indonesian border security agencies on their own without facilitation of the UNMISET military component. As the national police force is gaining skills and experience, its ability to meet security challenges has improved, but not to the level of providing protection and evacuation to the military liaison officers of UNMISET. The possibility of exceptional circumstances beyond the capacity of PNTL to deal with cannot be ruled out.

52. In view of the above and the fact that the current strength of the military component is already at its bare minimum, it will be necessary to retain the 477 authorized military personnel for the next six months. The military component will continue to carry out the tasks mandated by the Security Council to promote security and stability in Timor-Leste. The 42 military liaison officers will continue to facilitate contacts between the Timorese and Indonesian border security agencies and monitor security-related developments along the border; the 310-strong security force will continue to provide protection to the military liaison officers and other United Nations personnel in the country and maintain a reassuring presence. The 125-person International Response Unit will continue to undertake preventive and response operations in exceptional circumstances. While this assistance will be available until May 2005, it is imperative that Timor-Leste and Indonesia take the opportunity to intensify their efforts, including at the highest levels, to conclude an agreement on land border demarcation as early as possible. Pending such an agreement, the adoption of an interim arrangement would be necessary to facilitate the management of the border.

B. Role of the United Nations system

53. The Timor-Leste economy has shown signs of recovery: inflation has moderated in recent months and real GDP is expected to increase 1 per cent in 2004.

Expansion in the banking sector has continued. A third commercial bank began operations in August 2004, and the take-up rate for bank loans recently increased. Nonetheless, financial intermediation remains modest, as a substantial portion of bank deposits are invested abroad and formal banking services are largely limited to Dili. Government fiscal policy remains prudent. Steps have been taken to address the deep-rooted structural problems of Timor-Leste, particularly the underdeveloped private sector, and several laws such as the law on commercial enterprises have been enacted, with the aim of establishing a legal framework for business activities.

54. The World Bank is currently formulating a financial management programme to support the medium-term and long-term capacity development needs of the country's financial sector. For that purpose, the Bank led a joint donor mission late in August and early in September to identify the areas of need, which will be followed by another mission in November. As the trustee for the East Timor Trust Fund, the World Bank oversees projects in agriculture, economic capacity, education, health, petroleum and small enterprises. Since July, the Bank has completed the construction of seven new primary schools in the country, bringing to 23 the total number of primary schools that have been built. In addition, the Bank has recently begun to finance a learning and teaching guide, which will be distributed to all primary school children. In September, the demographic health survey was completed. The Bank also continues to support workshops on entrepreneurship to encourage the development of small businesses, which have attracted 1,099 participants over the last few months.

55. UNDP continues its efforts to strengthen the institutional capacity of the National Institute of Public Administration to deliver management and technical training to the country's civil servants and high-ranking government officials. In cooperation with UNMISSET, UNDP has helped the Ministry of Justice to launch the Judicial Training Centre, which since August has provided standardized, post-graduate professional training to Timorese judicial staff. UNDP is also supporting the Government's efforts in preparing local elections and in implementing veterans' and other employment programmes. Together with the United Nations Office for Project Services (UNOPS), UNDP is implementing community activation programmes in the country to increase paddy yield. In addition, with funding made available by the European Commission, UNDP and UNOPS are preparing to construct five bridges in the eastern part of the country to increase market access for rural people.

56. The World Food Programme has distributed the remaining emergency food to households affected by drought and flood and is now finalizing a programme to address food insecurity concerns for school children. The Government has also continued to implement its Recovery, Employment and Stability Programme for Ex-Combatants and Communities in Timor-Leste (RESPECT), which has completed the disbursement of US\$ 100,000 to each of the 13 districts for rehabilitation of roads, water supplies, schools and other public buildings through the employment of vulnerable groups, including ex-combatants, veterans and youths.

57. With financial and technical assistance from the United Nations Population Fund (UNFPA), Timor-Leste carried out its first national census in July, which resulted in provisional population counts down to the sub-district level. The provisional figures show a striking 17.4 per cent increase in the total population, due to the large number of returnees and the high rate of natural increase. The

population of Dili district has grown by 39.3 per cent in three years, indicating a dramatic rate of urbanization which will pose many challenges for the Government. Given the results of the census, the Government has placed renewed emphasis on implementing the national family planning policy as part of the Ministry of Health's overall reproductive health programme. UNFPA, UNICEF and the World Health Organization assist the Government by supporting relevant training for health personnel and improving health-care facilities at the district level. UNICEF provided technical support to develop the National Immunization Strategy and National Nutrition Strategy, which have recently been approved by the Ministry of Health.

58. With technical support from UNICEF, the Ministry of Education endorsed its first reform curriculum management plan for primary education to provide bilingual (Tetum and Portuguese) syllabi for all subjects up to Grade 6, which is currently being pre-tested in the country. UNICEF and UNESCO continue to provide training for primary and tertiary school-based management and teachers.

59. The Office of the United Nations High Commissioner for Refugees supports the national authorities in developing and implementing asylum procedures, enhancing capacity to undertake determination of refugee status and extend protection to those in need. Furthermore, UNICEF continues to engage the Government in child protection issues and has consulted relevant stakeholders, including young people nationally, on the draft child legislation.

IV. Financial aspects

60. The General Assembly, by its resolution 59/13 of 29 October 2004, appropriated the amount of \$85.2 million for the maintenance of UNMISSET for the period from 1 July 2004 to 30 June 2005. Therefore, should the Security Council approve my recommendation set out in paragraph 65 below with respect to the extension of the mandate of UNMISSET, the cost for the operation and maintenance of the Mission during the extension period will be limited to resources approved by the General Assembly.

61. As at 31 October 2004, unpaid assessed contributions to the special account for UNTAET/UNMISSET amounted to \$69.3 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to \$2,392.3 million.

V. Observations and recommendations

62. Over the past three months, Timor-Leste has made steady progress in its institution-building efforts. While preparations are under way for local elections, several initiatives have been undertaken by Timorese leaders to find solutions to the veterans issue and violence between martial arts groups so as to maintain peace and stability in the country. With the assistance of UNMISSET and other bilateral and multilateral partners, the capacity of the public administration, the justice system and security agencies has grown. Nevertheless, much remains to be done in key areas, from good governance and institution-building to security sector reform. The selection of the Provedor for Human Rights and Justice, the establishment and

consolidation of legal frameworks, and the resolution of border issues between Timor-Leste and its neighbours are examples of the challenging tasks ahead.

63. In accordance with Security Council resolution 1543 (2004), an integrated technical assessment mission visited Timor-Leste early in October to review the situation on the ground, with a view to determining the feasibility of modifying the size, composition and tasks of UNMISSET, including the configuration of its police and military components. The mission sought the views of all stakeholders and also travelled to the border districts.

64. The mission concluded that, despite the notable advances achieved during the UNMISSET consolidation phase, Timor-Leste had not yet reached the critical threshold of self-sufficiency. The public administration — particularly the finance, banking and justice sectors — remains weak and fragile. Some of the 58 UNMISSET civilian advisers who provide most critical support, and should by now be serving as mentors, continue to perform line functions in key institutions today. In the area of law enforcement, PNTL still faces serious formidable challenges, including a lack of professional skills and values, policing experience, necessary equipment and infrastructure, and management and coordination capabilities. Further training is essential to bring it up to the desired level of professionalism, competence and skills. The key role played by the UNMISSET civilian police advisers in providing training and mentoring of PNTL remains indispensable. For training programmes currently under way to be fully implemented and completed by May 2005, it will be necessary to retain the authorized strength of 157 civilian police for the coming six months. With regard to support to the security and stability of Timor-Leste, the country's border with Indonesia remains to be defined. While bilateral relations between Indonesia and Timor-Leste have improved, particularly at the highest level, the 42 military liaison officers are required to facilitate contacts between the border security agencies and to monitor security-related developments. This small international presence along the border, supported by the UNMISSET military component, which has an authorized strength of 435, continues to be regarded as an important confidence-building mechanism by the Timorese population.

65. In view of the above, the situation on the ground does not warrant any modification of the Mission's tasks as mandated by the Security Council in resolution 1543 (2004). In the current circumstances, any change of the composition or size of UNMISSET, including those of the police and military components, could compromise its ability to carry out its responsibilities. At our meeting on 4 October 2004, Prime Minister Alkatiri expressed appreciation for the assistance that has been provided by UNMISSET since May 2004. Since then, at meetings with my Special Representative, the President and the Prime Minister have expressed the hope that there will be a six-month renewal of the mandate of UNMISSET in its current form and structure. I therefore recommend retaining the Mission with its current tasks, configuration and size until 20 May 2005. This final period of six months would allow the key tasks of UNMISSET to be completed and gains made thus far to be consolidated.

66. At the same time, the Mission will need to focus increasingly on preparing its exit strategy during the coming six months. The objective is to make sure that, when UNMISSET departs, the country can continue to function without suffering significantly from the impact of its withdrawal. This requires that UNMISSET redouble its efforts to encourage the increasing involvement and ownership of the

Timorese in the Mission's three programme areas and to identify forthcoming bilateral or multilateral partners. In doing so, UNMISET will need to ensure that, when it leaves the country, its responsibilities can be taken over by the Timorese, with the continued assistance of the United Nations system and bilateral donors. I am glad to note that the donors' conference is now scheduled for March instead of June as originally planned.

67. The funds, programmes and specialized agencies of the United Nations system and other development partners have complemented the role of UNMISET in assisting the institution-building process of Timor-Leste. During the next six months, their further support will be even more critical in facilitating a smooth transition from a peacekeeping operation to a sustainable, traditional, development assistance framework. I appeal to all bilateral and multilateral partners of Timor-Leste to enhance their cooperation with UNMISET to achieve such a transition.

68. I am confident that relations between Timor-Leste and Indonesia will further strengthen with the joint efforts of the Timorese leaders and the new Government of Indonesia. I call on the two countries to spare no efforts to solve their pending bilateral issues, in particular the demarcation of their land border.

69. I commend the efforts made by the Serious Crimes Unit to complete investigations by November 2004 and to conclude trials and other activities by May 2005 in accordance with Security Council resolution 1543 (2004). At the same time, I firmly believe that the perpetrators of the serious crimes committed in 1999 in East Timor should be brought to justice. I repeat my previous call for the full cooperation of Member States to ensure that impunity does not prevail. I intend to continue to explore possible ways to address this issue with a view to making proposals as appropriate.

70. In conclusion, I would like to pay tribute to my Special Representative, Sukehiro Hasegawa, as well as the members of the civilian, police and military components of UNMISET for their dedicated efforts in discharging the Mission's mandate.

Annex

United Nations Mission of Support in East Timor: civilian police and military strength

(as at 31 October 2004)

	<i>Civilian police</i>	<i>Troops</i>	<i>Military observers</i>	<i>Total</i>
Argentina	1	-	-	1
Australia	17	94	3	114
Bangladesh	3	34	2	39
Bolivia	-	-	2	2
Bosnia and Herzegovina	2	-	-	2
Brazil	5	135	4	144
China	16	-	-	16
Denmark	-	-	2	2
Fiji	-	137	-	137
Ghana	4	-	-	4
Jordan	3	-	2	5
Malaysia	21	5	6	32
Mozambique	-	-	2	2
Nepal	2	-	2	4
New Zealand	-	1	2	3
Norway	2	-	-	2
Pakistan	10	19	3	32
Philippines	13	-	3	16
Portugal	17	5	5	27
Russian Federation	1	-	2	3
Samoa	4	-	-	4
Spain	5	-	-	5
Sri Lanka	1	-	-	1
Sweden	2	-	2	4
Turkey	6	-	-	6
Ukraine	3	-	-	3
United States of America	9	-	-	9
Zambia	1	-	-	1
Zimbabwe	2	-	-	2
Total	150	430	42	622



Security Council

Distr.: General
9 November 2004

Original: English

Letter dated 8 November 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 27 October 2004, which I received from the Secretary-General of the North Atlantic Treaty Organization (see annex).

I should be grateful if the present letter and its annex could be brought to the attention of the members of the Security Council.

(Signed) Kofi A. Annan



Annex

**Letter dated 27 October 2004 from the Secretary-General
of the North Atlantic Treaty Organization addressed to the
Secretary-General**

In accordance with Security Council resolution 1088 (1996), I attach the monthly report on SFOR operations for September 2004. I would appreciate your making this report available to the Security Council.

(Signed) Jaap de Hoop Scheffer

Enclosure**Monthly report to the United Nations on the operations of the Stabilization Force**

1. This report covers the period from 1 to 30 September 2004.
2. As at 30 September 2004, the total strength of the Stabilization Force (SFOR) was 8,519, including 457 troops from non-NATO countries. In addition, there were six SFOR personnel posted in Croatia.
3. On 5 October, SFOR authority was transferred from Major General Virgil Packett II (United States of America) to Brigadier General Steven Schook (United States of America) in Sarajevo. On 1 October, NATO headquarters Sarajevo, the Alliance's residual presence in Bosnia and Herzegovina, achieved initial operating capability.
4. There was no change in the status of partner/non-NATO country contributions.

Security

5. During the reporting period, Bosnia and Herzegovina remained stable, with no serious security incidents to report. On 30 September, three hand grenades were thrown at Café Don in Cazin and one grenade was thrown at the railway station in Banja Luka. There were no injuries caused by the blasts; only minor structural damage was reported.
6. SFOR is currently investigating an accidental mine explosion which occurred on 16 September. A non-governmental organization demining team working on a known minefield near Brcko apparently detonated an anti-personnel landmine. One person was killed and another seriously wounded.
7. There were no significant acts of violence directed against SFOR personnel during the reporting period.
8. SFOR remained engaged with weapons collection, destruction and framework operations.
9. The results of weapons turned in or collected during the reporting period and within the framework of Operation Harvest are as follows: small arms (rifles, pistols and revolvers): 452; ammunition less than 20 mm: 170,874 rounds; ammunition between 20 mm and 76 mm: 61 rounds; ammunition more than 76 mm: 93 rounds; hand grenades: 1,678; mines: 132; explosives: 61,986 kg; other items (mortars and mortar rounds, rifle grenades, handmade ordnance, rockets etc.): 5,603.
10. In order to support the reduction of unserviceable and obsolete Entity Armed Forces ammunition and reduce ammunition quantities in Bosnia and Herzegovina, SFOR has continued to conduct Operation Armadillo II. The total amount of Republika Srpska Army ammunition destroyed remains at 2,674 tons.
11. On 8 September, SFOR released Veljko Borovina to the Republika Srpska Ministry of the Interior Special Police. His arrest, mentioned in the august report, was made on suspicion of having links with alleged war criminals. Milovan Bjelica, also detained by SFOR last month for the same reason, was released to the Republika Srpska Ministry of the Interior Special Police on 27 September.

Compliance by the parties

12. During the reporting period, the Entity Armed Forces have carried out normal training activities, in compliance with the military provisions of the Dayton Peace Agreement.

13. A total of 362 training and operation activities (213 Republika Srpska Army and 149 Federation Army) and 342 movements (154 Republika Srpska Army and 188 Federation Army) were conducted during the reporting period.

14. There were a total of 38 inspections of weapons and ammunition storage sites (16 Republika Srpska Army and 22 Federation Army) during September 2004.

October municipal elections

15. The 2004 municipal elections, the first post-war elections to be fully funded and organized by the Bosnian authorities, were held on 2 October in a calm and stable environment. The Helsinki Committee for Human Rights qualified the campaign as being conducted in a democratic atmosphere and in accordance with the electoral law, with no significant incidents reported. A more detailed account of the elections will appear in the October report.

Conclusion

16. September was a quiet month continuing the trend set during previous months. The SFOR deterrent presence posture still ensures a safe and secure environment which continues to bode well for the transfer of operations to the European Union later this year. Preparations for the European Union's operation Althea, as well as the full standing-up of NATO headquarters Sarajevo, are ongoing.

**General Assembly
Security Council**Distr.: General
9 November 2004

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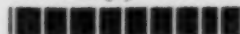
**General Assembly
Fifty-ninth session
Agenda items 36 and 148****Security Council
Fifty-ninth year****The situation in the Middle East****Measures to eliminate international terrorism****Identical letters dated 8 November 2004 from the Permanent
Representative of Israel to the United Nations addressed to the
Secretary-General and the President of the Security Council**

I wish to draw your attention to the latest violations of the Blue Line from Lebanese territory. Yesterday morning, a Hizbulla unmanned air vehicle (UAV) breached Israeli airspace in the Western Galilee. This follows an incident on 28 October 2004, when a Katyusha rocket was fired from Alma a-Shaab into Israeli territory, the latest in a series of similar recent attacks, including a rocket attack launched against Israel from Yamini Al-Jabin on 9 October, as well as others in June and April of this past year.

These incidents are yet the latest in a series of wilful attacks carried out against Israel by terrorist organizations like Hizbulla, which operate freely from Lebanese jurisdiction, and with Syrian and Iranian sponsorship.

In May 2000, Israel withdrew completely from Lebanon, in full and confirmed compliance with Security Council resolution 425 (1978). Since that time, these acts of aggression against Israelis have continued, enabled by the complicity of the Government of Lebanon, and with the support of the Syrian and Iranian regimes that have long sponsored, trained and financed these terrorist groups. Such actions represent a direct negation of obligations under international law and the provisions of Security Council resolutions, including resolutions 425 (1978), 426 (1978), 1310 (2000), 1337 (2001) and 1373 (2001). The failure of the Government of Lebanon to restore peace and security, ensure the return of its effective authority and prevent cross-border attacks from its territory in grave violation of these obligations is the direct cause of instability in the area.

Lebanon and other terrorist-sponsoring regimes in the region are not absolved of their legal obligations to fight terrorism, like any other State, as part of the global campaign against international terrorism. Israel once again calls upon the international community to expect nothing less than full compliance.



I should be grateful if you could arrange to have the latest incidents of this dangerous series of attacks outlined in the monthly report to the Security Council by the Secretary-General's representative, and to have the text of this letter circulated as an official document of the fifty-ninth session of the General Assembly, under agenda items 36 and 148, and of the Security Council. An identical letter is being submitted to the President of the Security Council.

(Signed) Dan Gillerman
Ambassador
Permanent Representative

**Security Council**

Distr.: General
9 November 2004

Original: English

Letter dated 8 November 2004 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that the members of the Security Council have decided to send a mission to Central Africa from 20 to 25 November 2004, which will be led by Ambassador Jean-Marc de La Sablière. The members of the Council have agreed on the terms of reference of the mission (see annex).

Following consultations with the members, it has been agreed that the composition of the mission is as follows:

Ambassador Jean-Marc de La Sablière (France), Head of mission

Ambassador Mourad Benmehidi (Algeria)

Ambassador Ismael Gaspar Martins (Angola)

Ambassador Joël W. Adechi (Benin)

Ms. Irene Vida Gala (Brazil)

Mr. Andrés Landerretche (Chile)

Ambassador Zhang Yishan (China)

Ambassador Gunter Pleuger (Germany)

Ambassador Munir Akram (Pakistan)

Mr. Patrick Chuasoto (Philippines)

Ambassador Gheorghe Dumitru (Romania)

Ambassador Andrey Denisov (Russian Federation)

Ms. Ana Jiménez (Spain)

Ambassador Adam Thomson (United Kingdom of Great Britain and Northern Ireland)

Ambassador Sichan Siv (United States of America)

I should be grateful if you could have this letter and its annex circulated as a document of the Security Council.

(Signed) John C. Danforth
President of the Security Council



Annex

[Original: French]

Security Council mission to Central Africa, 20-26 November 2004

In general terms, the mission will stress the need to continue the peace and transitional processes in the Democratic Republic of the Congo and Burundi and to bring them to a successful conclusion in 2005.

It will stress the substantial resources committed by the United Nations to peacekeeping in the two countries in the context of a considerable increase in requirements in that area throughout the world. It will recall that durable peace and stability in Central Africa and in the Great Lakes region cannot be achieved without clear and unequivocal efforts and commitment of national and regional stakeholders.

The mission will stress the common position of the Security Council. It will recall the Council's attachment to respect for the sovereignty, territorial integrity and political independence of all the States of the region.

It will stress the importance of achieving a sustainable peace, security and stability for all countries in the region, in the spirit of African solidarity and national reconciliation, in particular through peaceful dialogue and consultations, the full normalization of their relations, and the establishment of confidence-building measures and mechanisms.

It will call on Governments of the region to give priority, in their bilateral and regional relations, to cooperation in the areas of security (joint monitoring of borders, combating the illegal traffic in arms) and economic development.

It will stress in this regard the contribution of the international conference on peace, security, democracy and development in the Great Lakes region of Africa, of which the first summit of Heads of State is to be held on 19 and 20 November in Dar es Salaam. It will reaffirm the importance attached by the Council to the principles of ownership of the conference by the Governments concerned and partnership between them and the community of donors.

The mission will recall that the Council is concerned at the violations of the arms embargo imposed on armed groups in the eastern Democratic Republic of the Congo and at the continuing illegal exploitation of natural resources in that country.

It will also recall that the Council condemned violations of international humanitarian law and human rights committed in the Democratic Republic of the Congo and Burundi. It will call on the parties and Governments concerned to ensure that those responsible are brought to justice and that human rights and international humanitarian law are respected.

Democratic Republic of the Congo

Express the Council's acknowledgement of the transitional authorities' achievements since June 2003: appointment of provincial governors; establishment of the national machineries for supervising the disarmament, demobilization and reintegration process; improvement of macroeconomic indicators.

Stress the Council's concern at the extent of the work that remains to be done and, in that regard:

- recall the central role of the "road map" adopted by the Congolese authorities. It is on the basis of the timely implementation of that document, the objectives of which match those defined at the meeting of 29 September 2004 in New York, that the Council will assess progress in the transition process.
- stress the subjects on which transition stakeholders should focus priority attention: reform of the security sector; adoption of legislation required for the electoral process; launching of the disarmament, demobilization and reintegration process. These are absolutely essential requirements for the elections of June 2005.

Call on all the components of the Transition to honour their commitments under the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo signed in Pretoria on 17 December 2002.

Affirm the Council's attachment to dialogue between the International Committee in Support of the Transition and the transitional authorities, in particular the *Espace présidentiel*, in order to overcome any obstacles that may arise in the implementation of key reforms of the Transition. Recall the importance of pursuing such dialogue through sectoral discussions with international partners within the framework of joint commissions, as provided for by Council resolution 1565 (2004).

Stress the effort made by the Council in authorizing the increase in the strength of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in order to contribute to:

- the stabilization of the Democratic Republic of the Congo and of its regional environment.
- moving the reform and transitional processes forward.

Stress that Transition stakeholders cannot expect MONUC to do everything. The Government should demonstrate its determination to contribute to improving security in the eastern part of the country. Specifically, it should draw up plans for disarming former Forces armées rwandaises (FAR), Interahamwe and Mayi-Mayi combatants; such plans would be implemented by the Armed Forces of the Democratic Republic of the Congo with MONUC support.

Encourage the Transitional Government to accelerate, in close contact with MONUC, Governments concerned and the community of donors, the implementation of programmes for the voluntary demobilization and repatriation of disarmed foreign combatants and their dependants, as well as for the disarmament, demobilization and reintegration of Congolese combatants and their dependants.

Stress how important it is for the Democratic Republic of the Congo to become fully involved in the different regional mechanisms for dialogue: Joint (border) Verification Mechanism; tripartite dialogue with Rwanda and Uganda; Great Lakes conference.

Recall the Council's readiness to support the efforts of the transitional authorities in combating impunity in the Democratic Republic of the Congo and the need for them to allow investigators to quickly begin their work.

Ask for information on government control over the exploitation of natural resources throughout the country, as well as on efforts to promote transparency over the revenue of those resources.

Burundi

Recall that the transition process in Burundi presents itself as exemplary in two ways:

- its principle of dialogue and power-sharing.
- any knock-on effects that its success or failure may have on neighbouring countries.

Stress that the United Nations, through the deployment of the United Nations Operation in Burundi (ONUB), is fully committed to the success of this process.

Recall that there is no alternative to the holding of elections provided for by the Arusha Peace and Reconciliation Agreement for Burundi signed on 28 August 2000.

Support the Transitional Government's decision to adopt a constitution for the post-Arusha period. Stress the importance of that constitution, which endorses the provisions of the agreement signed in Pretoria on 6 August 2004 by providing sufficient guarantees for all parties to participate in elections.

Encourage the Burundian parties to continue progressing through dialogue and in a spirit of compromise, in particular during the campaign to explain the new constitution and during the drawing up of electoral legislation, in order to achieve a global political solution.

Recall that the Security Council vigorously condemned the massacre of Congolese refugees in Gatumba on 13 August 2004 and that it will continue to support the Burundians in their fight against impunity.

Affirm that the Council will not tolerate Mr. Agathon Rwasa's Palipehutu-FNL strategy of violence. Call on him to immediately put an end to that strategy. Stress that the door should remain open for every one to rally to the peace process under the Arusha Peace and Reconciliation Agreement.

Insist on the need to rapidly remove obstacles preventing the start of the demobilization and reintegration process (status of combatants, harmonization of grades).

Rwanda

Recall that the Security Council firmly condemned the capture of Bukavu on 2 June 2004 by rebel forces formerly belonging to the Rassemblement congolais pour la démocratie (RCD-Goma) and strongly urged Rwanda not to provide any material or political support to armed groups in the Democratic Republic of the Congo.

Exhort the Government of Rwanda to use its influence to encourage the Congolese actors with which it has special ties, in particular RCD-Goma, to support the transitional process in the Democratic Republic of the Congo.

Emphasize the common position of the Council concerning the situation in the Great Lakes region (statements following the events in Bukavu, renewal of the arms embargo, strengthening of MONUC).

Stress that the Council shares the legitimate concern of Rwanda with regard to the presence of remnants of former FAR combatants and Interahamwe in the eastern part of the Democratic Republic of the Congo, which constitute a threat to its territorial integrity and a destabilizing factor in the Great Lakes region.

Emphasize the international community's determination to provide itself with the means to deal with armed groups that are active in the eastern part of the Democratic Republic of the Congo: support for the integration of the Congolese armed forces, reinforcing MONUC, launching of disarmament, demobilization and reintegration for Mayi-Mayi groups.

Stress the need for cooperation on the part of Rwanda for the repatriation and reintegration of its nationals.

Recall the importance of the Joint Verification Mechanism for the stabilization of the eastern part of the Democratic Republic of the Congo. Stress the need for a central role for MONUC for the smooth operation and credibility of that Mechanism.

Stress the Council's desire to see enhanced dialogue between Kigali and Kinshasa under the Verification Mechanism, the tripartite dialogue and the Great Lakes conference.

Uganda

Recall that the Council considers Uganda an essential partner in efforts to restore lasting peace to the Great Lakes region.

Welcome the role of Uganda in the Great Lakes Regional Peace Initiative on Burundi.

Stress the Council's concern at the difficulties in the process of demobilizing armed groups in Ituri. Urge Uganda to ensure that its territory cannot be used to destabilize the Democratic Republic of the Congo, including through the provision of military or political support to such groups.

Emphasize the role that the Government of Uganda can play as a mediator among these groups and the positive influence it can exert on them to support the transitional process in the Democratic Republic of the Congo.

Discuss ways and means to find a solution to the conflict in northern Uganda which has caused a serious humanitarian crisis.



Security Council

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15 November 2004
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Original: French

Chile, France, Germany, Romania, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its resolution 1528 (2004) of 27 February 2004, as well as the relevant statements of its President, in particular those of 6 November 2004 (S/PRST/2004/42) and of 5 August 2004 (S/PRST/2004/29),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and *recalling* the importance of the principles of good neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the agreement signed by the Ivoirian political forces in Linas-Marcoussis on 24 January 2003 (S/2003/99) (the Linas-Marcoussis Agreement) approved by the Conference of Heads of States on Côte d'Ivoire, held in Paris on 25 and 26 January 2003, and the Agreement signed in Accra on 30 July 2004 (Accra III Agreement),

Deploing the resumption of hostilities in Côte d'Ivoire and the repeated violations of the ceasefire agreement of 3 May 2003,

Deeply concerned by the humanitarian situation in Côte d'Ivoire, in particular in the northern part of the country, and by the use of the media, in particular radio and television broadcasts, to incite hatred and violence against foreigners in Côte d'Ivoire,

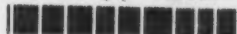
Recalling strongly the obligations of all Ivoirian parties, the Government of Côte d'Ivoire as well as the Forces Nouvelles, to refrain from any violence against civilians, including against foreign citizens, and to cooperate fully with the activities of the United Nations Operation in Côte d'Ivoire (UNOCI),

Welcoming the ongoing efforts of the Secretary-General, the African Union and the Economic Community of Western African States (ECOWAS) towards re-establishing peace and stability in Côte d'Ivoire,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Condemns* the air strikes committed by the national armed forces of Côte d'Ivoire (FANCI) which constitute flagrant violations of the ceasefire agreement of



3 May 2003 and *demand*s that all Ivoirian parties to the conflict, the Government of Côte d'Ivoire as well as Forces nouvelles, fully comply with the ceasefire;

2. *Reiterates* its full support for the action undertaken by UNOCI and French forces in accordance with their mandate under resolution 1528 (2004) and with the statement of its President of 6 November 2004 (S/PRST/2004/42);

3. *Emphasizes* again that there can be no military solution to the crisis and that the full implementation of the Linas-Marcoussis and Accra III Agreements remains the only way to resolve the crisis persisting in the country;

4. *Urges* as a consequence the President of the Republic of Côte d'Ivoire, the heads of all the Ivoirian political parties and the leaders of the Forces Nouvelles immediately to begin resolutely implementing all the commitments they have made under these agreements;

5. *Expresses* its full support for the efforts of the Secretary-General, the African Union and ECOWAS and *encourages* them to continue these efforts in order to relaunch the peace process in Côte d'Ivoire;

6. *Demand*s that the Ivoirian authorities stop all radio and television broadcasting inciting hatred, intolerance and violence, *requests* UNOCI to strengthen its monitoring role in this regard, and *urges* the Government of Côte d'Ivoire and the Forces nouvelles to take all necessary measures to ensure the security and the safety of civilian persons, including foreign nationals and their property;

7. *Decides* that all States shall, for a period of thirteen months from the date of adoption of this resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire, from their territories or by their nationals, or using their flag vessels or aircraft, of arms or any related materiel, in particular military aircraft and equipment, whether or not originating in their territories, as well as the provision of any assistance, advice or training related to military activities;

8. *Decides* that the measures imposed by paragraph 7 above shall not apply to:

(a) supplies and technical assistance intended solely for the support of or use by UNOCI and the French forces who support them,

(b) supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as approved in advance by the Committee established by paragraph 14 below,

(c) supplies of protective clothing, including flak jackets and military helmets, temporarily exported to Côte d'Ivoire by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only,

(d) supplies temporarily exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire, as notified in advance to the Committee established by paragraph 14 below,

(e) supplies of arms and related materiel and technical training and assistance intended solely for support of or use in the process of restructuring defence and security forces pursuant to paragraph 3, subparagraph (f) of the Linas-Marcoussis Agreement, as approved in advance by the Committee established by paragraph 14 below;

9. *Decides* that all States shall take the necessary measures, for a period of twelve months, to prevent the entry into or transit through their territories of all persons designated by the Committee established by paragraph 14 below, who constitute a threat to the peace and national reconciliation process in Côte d'Ivoire, in particular those who block the implementation of the Linas-Marcoussis and Accra III Agreements, any other person determined as responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire on the basis of relevant information, any other person who incites publicly hatred and violence, and any other person determined by the Committee to be in violation of measures imposed by paragraph 7 above, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals;

10. *Decides* that the measures imposed by paragraph 9 shall not apply where the Committee established by paragraph 14 below determines that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would further the objectives of the Council's resolutions, for peace and national reconciliation in Côte d'Ivoire and stability in the region;

11. *Decides* that all States shall, for the same period of twelve months, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of adoption of this resolution or at any time thereafter, owned or controlled directly or indirectly by the persons designated pursuant to paragraph 9 above by the Committee established by paragraph 14 below, or that are held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, and *decides further* that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons within their territories, to or for the benefit of such persons or entities;

12. *Decides* that the provisions of paragraph 11 do not apply to funds, other financial assets and economic resources that:

(a) have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee established by paragraph 14 below of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within two working days of such notification,

(b) have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee, or

(c) have been determined by relevant States to be subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement: was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 11 above or an individual or entity identified by the Committee, and has been notified by the relevant States to the Committee;

13. *Decides* that, at the end of a period of 13 months from the date of adoption of this resolution, the Security Council shall review the measures imposed by paragraphs 7, 9 and 11 above, in the light of progress accomplished in the peace and national reconciliation process in Côte d'Ivoire as defined by the Linas-Marcoussis and Accra III Agreements, and expresses its readiness to consider the modification or termination of these measures before the aforesaid period of 13 months only if the Linas-Marcoussis and Accra III Agreements have been fully implemented;

14. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (the Committee), to undertake the following tasks:

(a) to designate the individuals and entities subject to the measures imposed by paragraphs 9 and 11 above, and to update this list regularly,

(b) to seek from all States concerned, and particularly those in the region, information regarding the actions taken by them to implement the measures imposed by paragraphs 7, 9 and 11 above, and whatever further information it may consider useful, including by providing them with an opportunity to send representatives to meet the Committee to discuss in more detail any relevant issues,

(c) to consider and decide upon requests for the exemptions set out in paragraphs 8, 10 and 12 above,

(d) to make relevant information publicly available through appropriate media, including the list of persons referred to in subparagraph (a) above,

(e) to promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by paragraphs 11 and 12 above,

(f) to present regular reports to the Council on its work, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraphs 7, 9 and 11 above;

15. *Requests* all States concerned, in particular those in the region, to report to the Committee, within ninety days from the date of adoption of this resolution, on the actions they have taken to implement the measures imposed by paragraphs 7, 9 and 11 above, and *authorizes* the Committee to request whatever further information it may consider necessary;

16. *Urges* all States, relevant United Nations bodies and, as appropriate, other organizations and interested parties, to cooperate fully with the Committee, in

particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 above;

17. *Expresses its determination* to consider without delay further steps to ensure the effective monitoring and implementation of the measures imposed by paragraphs 7, 9 and 11 above, in particular the establishment of a panel of experts;

18. *Requests* the Secretary-General to submit a report to the Council by 15 March 2005, drawing on information from all relevant sources, including the Government of National Reconciliation in Côte d'Ivoire, UNOCI, ECOWAS and the African Union, on progress made towards the goals described in paragraph 13 above;

19. *Decides* that the measures imposed by paragraphs 9 and 11 above shall enter into force on 15 December 2004, unless the Security Council shall determine before then that the signatories of the Linas-Marcoussis and Accra III Agreements have implemented all their commitments under the Accra III Agreement and are embarked towards full implementation of the Linas-Marcoussis Agreement;

20. *Decides* to remain actively seized of the matter.

**General Assembly
Security Council**Distr.: General
10 November 2004

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**General Assembly
Fifty-ninth session
Agenda item 29
Question of Cyprus****Security Council
Fifty-ninth year****Letter dated 9 November 2004 from the Permanent
Representative of Cyprus to the United Nations addressed
to the Secretary-General**

Upon instructions from my Government and further to the letter dated 27 August 2004, addressed to you by Mr. Andreas Hadjichrysanthou, Deputy Permanent Representative of the Republic of Cyprus to the United Nations (A/58/880-S/2004/700), I have the honour to draw your attention to new violations of the flight information region (FIR) of Nicosia and the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force, recorded on 25 and 30 August 2004, on 1, 8, 11, 14, 15, 16, 18 and 29 September 2004, on 5, 6, 7, 13, 14, 18, 19, 20, 21, 22, 26 and 27 October 2004 and on 2 and 3 November 2004, as follows:

On 25 August 2004, one (1) Black Hawk and one (1) C-160 Turkish military aircraft entered the FIR of Nicosia, in a total of four (4) violations of international air traffic regulations and the national airspace of the Republic of Cyprus as follows:

(a) The Black Hawk Turkish military aircraft took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, flying west of the occupied area of Kyrenia, before departing towards the FIR of Ankara, from where it returned later to the same airport.

(b) The C-160 Turkish military aircraft entered the FIR of Nicosia, violating the international air traffic regulations and the national airspace of Nicosia, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day, in a reverse direction.

On 30 August 2004, two Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the southern part of Mount Pentadakylos, before landing at the same airport.

On 1 September 2004, one (1) C-130 Turkish military aircraft entered the FIR of Nicosia, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before



landing at the illegal airport of Tymbou, from where it departed on the same day, in a reverse direction.

On 8 September 2004, one (1) C-160 Turkish military aircraft entered the FIR of Nicosia, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day, in a reverse direction.

On 11 September 2004, one (1) Cougar Turkish military aircraft took off from the illegal airport of Krini, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, before landing at the pocket area of Kokkina, from where it departed on the same day, in a reverse direction.

On 14 September 2004, one (1) Cougar Turkish military aircraft took off from the illegal airport of Krini, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied areas of Karpasia, Cape Apostolos Andreas and Mesaoria, before landing at the illegal airport of the Tymbou, from where it returned on the same day to the illegal airport of Krini.

On 15 September 2004, two (2) C-130 Turkish military aircraft, one (1) C-160 and one (1) Turkish military aircraft of unknown type, carried out a total of five (5) violations of the international air traffic regulations and three (3) violations of the national airspace of the Republic of Cyprus, as follows:

(a) The two (2) C-130 Turkish military aircraft, coming from the FIR of Ankara entered the FIR of Nicosia, before exiting in a southerly direction.

(b) The C-160 Turkish military aircraft entered the FIR of Nicosia, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day, in a reverse direction.

(c) The Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, before exiting towards the FIR of Ankara.

On 16 September 2004, two (2) C-130 Turkish military aircraft coming from a southerly direction entered the FIR of Nicosia, carried out a total of two (2) violations of the international air traffic regulations, before exiting towards the FIR of Ankara.

On 18 September 2004, one (1) Turkish military aircraft of unknown type entered the FIR of Nicosia, violating the international air traffic regulations and the national airspace of the Republic of Cyprus.

On 29 September 2004, one (1) C-130 Turkish military aircraft and two (2) Turkish military aircraft of unknown type entered the FIR of Nicosia, in a total of five (5) violations of the international air traffic regulations and the national airspace of the Republic of Cyprus, as follows:

(a) The C-130 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of

Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day in a reverse direction.

(b) The first Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, before exiting towards the FIR of Ankara, from where it returned on the same day, in a reverse direction.

(c) The second Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the same airport.

On 5 October 2004, two (2) Turkish military aircraft of unknown type carried out a total of two (2) violations of the international air traffic regulations and the national airspace of the Republic of Cyprus, as follows:

The one Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, flying over the occupied area of Kyrenia, where it met with the other Turkish military aircraft of unknown type, which came from the FIR of Ankara, also violating the national airspace of the Republic of Cyprus, before landing in one formation at the illegal airport of Krini.

On 6 October 2004, one (1) C-160 Turkish military aircraft entered the FIR of Nicosia, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day in a reverse direction.

On 7 October 2004, two (2) RF-4 Turkish military aircraft coming in one formation, one (1) KC-135 and two (2) Turkish military aircraft of unknown type entered the FIR of Nicosia, carried out a total of four (4) violations of the international air traffic regulations and two (2) violations of the national airspace of the Republic of Cyprus, as follows:

(a) The formation of two (2) RF-4 and the KC-135 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating the international air traffic regulations, before exiting towards the FIR of Ankara.

(b) The first Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, flying over the occupied areas of Mesaoria, Karpasia and Kyrenia, before landing at the same airport.

(c) The second Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, before landing at the illegal airport of Lefkoniko, from where it departed on the same day, towards the FIR of Ankara.

On 13 October 2004, one (1) C-130 Turkish military aircraft entered the FIR of Nicosia, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day in a reverse direction.

On 14 October 2004, four (4) F-4 Turkish military aircraft in one formation and one (1) Turkish military aircraft of unknown type entered the FIR of Nicosia, in a total of two (2) violations of the international air traffic regulations and one (1) violation of the national airspace of the Republic of Cyprus, as follows:

(a) The formation of the four (4) F-4 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating the international air traffic regulations, before exiting towards the FIR of Ankara.

(b) The Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, flying over the occupied areas of Mesaoria and Ammochostos, before landing at the same airport.

On 18 October 2004, one (1) CN-235 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou.

On 19 October 2004, one (1) CN-235 Turkish military aircraft took off from the illegal airport of Tymbou, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Kyrenia, before landing at the same airport.

On 20 October 2004, one (1) C-160 Turkish military aircraft, one (1) CN-235 and one (1) Turkish military aircraft of unknown type, carried out a total of four (4) violations of international air traffic regulations and the national airspace of the Republic of Cyprus, as follows:

(a) The C-160 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it took off on the same day towards the FIR of Ankara.

(b) The CN-235 took off from the illegal airport of Tymbou, flying over the occupied area of Kyrenia, before landing at the same airport.

(c) The Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the occupied area of Ammochostos, from where it departed on the same day, towards the illegal airport of Krini.

On 21 October 2004, one (1) CN-235 Turkish military aircraft and one (1) Turkish military aircraft of unknown type, carried out a total of three (3) violations of the international air traffic regulations and the national airspace of the Republic of Cyprus, as follows:

(a) The CN-235 Turkish military aircraft took off from the illegal airport of Tymbou, flying over the occupied area of Kyrenia, before landing at the same airport. Later, it departed towards the FIR of Ankara.

(b) The Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou,

from where it departed on the same day, towards the occupied area of Ammochostos and the illegal airport of Krini.

On 22 October 2004, one (1) Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the occupied area of Ammochostos, from where it departed on the same day, towards the illegal airport of Krini.

On 26 October 2004, four (4) F-4 Turkish military aircraft coming in one formation and one (1) Turkish military aircraft of unknown type entered the FIR of Nicosia, in a total of two (2) violations of the international air traffic regulations and one (1) violation of the national airspace of the Republic of Cyprus, as follows:

(a) The formation of F-4 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating the international air traffic regulations, before exiting towards a westerly direction.

(b) The Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, flying over the occupied area of Morfou, before landing at the same airport.

On 27 October 2004, one (1) C-160 Turkish military aircraft entered the FIR of Nicosia, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it took off on the same day, flying in the opposite direction.

On 2 November 2004, one (1) Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied areas of Lefka, Kyrenia, Kantara and Ammochostos, before returning to the same airport.

On 3 November 2004, one (1) C-160 Turkish military aircraft entered the FIR of Nicosia, violating the international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day, flying in the reverse direction.

As repeatedly indicated in our previous communications, the aforementioned violations blatantly contravene international law and air traffic regulations and seriously endanger international civil aviation. Moreover, such actions undermine the efforts made for reconciliation and unification in Cyprus and disappointingly reveal Turkey's lack of good will to achieve progress to this long-standing problem.

On behalf of the Government of the Republic of Cyprus, I strongly protest the above violations and call for their immediate cessation. The Government of Turkey should heed the call of the international community, abide by the Charter of the United Nations and respect the sovereignty, independence and territorial integrity of the Republic of Cyprus, thus contributing to the creation of the required conditions for the achievement of a just and viable solution to the Cyprus problem.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(Signed) Andreas D. Mavroyiannis

**Security Council**

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10 November 2004
English
Original: French

Letter dated 8 November 2004 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you the communiqué of the twenty-third summit of the Great Lakes Regional Peace Initiative on Burundi, held in Nairobi on 15 October 2004 (see annex).

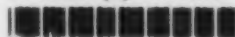
The Congress has subsequently approved the interim Constitution, which has been in force since 1 November 2004. The President of the Republic has also appointed the provincial electoral committees, which work under the authority of the Independent Electoral Commission. The Commission has issued the following timetable for elections:

1. Constitutional referendum: 26 November 2004;
2. Local elections (colline): 9 February 2005;
3. Commune council elections: 23 February 2005;
4. National Assembly elections: 9 March 2005;
5. Senate elections: 23 March 2005;
6. Presidential election: 22 April 2005.

The Chairman of the Independent Electoral Commission has stated, however, that this timetable is provisional. The constitutional referendum will depend on such factors as the availability of resources to conduct a census and the manufacture of identification cards and voting cards. He added that the question of whether these dates would be adhered to would also depend, above all, on the general security situation in the country.

I should be grateful if you would have this letter and its annex circulated as documents of the Security Council.

(Signed) Marc Nteturuye
Ambassador
Permanent Representative



Annex to the letter dated 8 November 2004 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Communiqué of the twenty-third Summit of the Great Lakes Regional Peace Initiative on Burundi

A summit of the Great Lakes Regional Peace Initiative on Burundi met in Nairobi on 15 October 2004, and reviewed the progress made in the Burundi peace process since the last Summit.

The Summit was attended by the following Heads of State and representatives of Governments:

His Excellency President Mwai Kibaki, President of the Republic of Kenya

His Excellency President Yoweri Museveni of Uganda, Chairperson of the Regional Initiative on Burundi

His Excellency President Paul Kagame of the Republic of Rwanda

His Excellency President Domitien Ndayizeye of Burundi

His Excellency President Abdullahi Yusuf Ahmed of the Transitional Federal Republic of Somalia

His Excellency Deputy President Jacob Zuma of the Republic of South Africa and Facilitator of the Burundi peace process

The United Republic of Tanzania was represented by Mr. Jakaya Kikwete, the Hon. Minister for Foreign Affairs and International Cooperation

The Federal Democratic Republic of Ethiopia was represented by His Excellency Abdulaziz Adem, Ethiopian Ambassador to the Republic of Kenya

Also present were:

Mr. Patrick Mazimhaka, Deputy Chairperson of the African Union Commission

Ambassador Mamadou Bah, Special Representative of the African Union in Bujumbura

Ms. Carolyn McAskie, Special Representative of the United Nations Secretary-General in Bujumbura

The summit reflected on the resolutions of the twenty-second Summit held on 18 August 2004, in Dar es Salaam, United Republic of Tanzania, which endorsed the Pretoria Agreement on power-sharing and further mandated President Ndayizeye to ensure the following:

- That the Independent Electoral Commission would be established by 29 August 2004.
- That within three weeks of the establishment of the Independent Electoral Commission, the Burundi National Assembly should adopt the draft constitution. On failure to do that, the President of the Republic of Burundi should send the draft constitution to the referendum or to the Implementation

Monitoring Committee to invoke Protocol II, Article 15.7, of the Arusha Peace and Reconciliation Agreement.

The twenty-third Summit welcomed the progress made by the Transitional Government, specifically the following:

- The establishment of the independent Electoral Commission comprising five members.
- The adoption of the draft post-transitional constitution.
- The announcement by President Ndayizeye of the date of the referendum on the post-transitional constitution as 20 October 2004.

The twenty-second Summit had reached an understanding that once the Independent Electoral Commission had been established and conducted its investigation on the logistics necessary for the holding of the elections, it should report to the Chairperson of the region and the Facilitator.

In view of that, the Chairperson convened an urgent meeting at which the Independent Electoral Commission presented its report to President Museveni and Deputy President Zuma, in Kampala on 12 October 2004.

Subsequent to that, a summit was convened by the Chairperson to discuss the report and proposals of the Independent Electoral Commission.

The Summit has received a report and recommendations of the Independent Electoral Commission.

Based on the reality on the ground, the Summit accepts that elections cannot take place before 1 November 2004.

The Summit further endorses the electoral calendar of the Independent Electoral Commission.

Furthermore, the Summit noted that the life of the transition institutions and administration has to be extended.

In this regard, the Summit notes that the joint sitting of the National Assembly and Senate (Congress) has passed a draft constitution which addresses this eventuality. Therefore the decision of the Summit is that the draft constitution passed by the Congress be endorsed before 25 October 2004, as an Interim constitution until the referendum, to facilitate the process of the elections in line with the calendar of the Independent Electoral Commission.

The Summit also decided that the region should assist the Transitional Government of Burundi to secure the financial resources required for the elections, by ensuring that the donors who had pledged funds met their obligations.

The twenty-third Summit acknowledged the key role played by the Republic of Kenya in working for peace in the region, and sincerely thanked His Excellency President Kibaki, the Government and people of the Republic of Kenya, for the warm hospitality extended to delegates to the Summit

**Security Council**

Distr.: General
10 November 2004

Original: English

**Letter dated 10 November 2004 from the Permanent
Representative of the Gambia to the United Nations addressed
to the President of the Security Council**

I have the honour to write, on behalf of the African Group of States at the United Nations, to convey the deepest regrets of the Group over the tragic events that have occurred in Bouaké, Côte d'Ivoire, since 4 November 2004.

The African Group notes with satisfaction the timely action taken by the Security Council along with the Economic Community of West African States and the African Union, to defuse tensions and relaunch the peace process in Côte d'Ivoire.

The African Group is convinced that the ongoing African Union high-level diplomatic initiative, under the leadership of President Thabo Mbeki of South Africa, offers the best chance of containing the crisis and putting the peace process back on track.

The African Group therefore views the proposed Council resolution, the objective of which is to impose punitive measures against Côte d'Ivoire, with concern and apprehension. It is the position of the African Group that this approach is incompatible with the African Union's current strategy of engagement with all the parties concerned.

In this connection and bearing in mind the positive results already achieved from the high-level initiative of the African Union, the African Group wishes to appeal to the members of the Council to reconsider their proposal and allow more time for the ongoing efforts of the African Union to come to fruition.

The African Group is convinced that the spirit of cooperation and partnership that has always guided the Council in its dealings with the African Group over similar situations in Africa will prevail in the case of Côte d'Ivoire.

I would be grateful if you would bring the present letter to the attention of the members of the Security Council and facilitate its circulation as a document of the Council.

(Signed) **Crispin Grey-Johnson**
Ambassador
Permanent Representative
Chairman of the African Group

